

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

**ROTHSCHILD BROADCAST  
DISTRIBUTION SYSTEMS, LLC,**

**Plaintiff,**

**v.**

**VIDYO, INC.,**

**Defendant.**

**CIVIL ACTION NO. \_\_\_\_\_**

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff Rothschild Broadcast Distribution Systems, LLC (“Plaintiff” or “Rothschild Broadcast Distribution Systems”) files this complaint against Vidyo, Inc. (“Defendant” or “Vidyo”) for infringement of U.S. Patent No. 8,856,221 (hereinafter the “221 Patent”) and alleges as follows:

**PARTIES**

1. Plaintiff is a Texas limited liability company with an office at 1 East Broward Boulevard, Suite 700, Ft. Lauderdale, FL 33301.
2. On information and belief, Defendant is a Delaware corporation, with a place of business at 433 Hackensack Ave., Hackensack, NJ 07601. On information and belief, Defendant may be served through its agent, Corporation Service Company, 251 Little Falls Drive, Wilmington, DE 19808.

**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, 35 U.S.C. § 271 et seq. Plaintiff is seeking damages, as well as attorney fees and costs.

4. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents).

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. Upon information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the District.

7. Venue is proper in this District under 28 U.S.C. §1400(b) because Defendant is deemed to be a resident in this District. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

### **BACKGROUND**

8. On October 7, 2014, the United States Patent and Trademark Office ("USPTO") duly and legally issued the `221 Patent, entitled "System and Method for Storing Broadcast Content in a Cloud-Based Computing Environment" after the USPTO completed a full and fair examination. The '221 Patent is attached as Exhibit A.

9. Rothschild Broadcast Distribution Systems is currently the owner of the `221 Patent.

10. Rothschild Broadcast Distribution Systems possesses all rights of recovery under the `221 Patent, including the exclusive right to recover for past, present and future infringement.

11. The `221 Patent contains thirteen claims including two independent claims (claims 1 and 7) and eleven dependent claims.

**COUNT ONE**  
**(Infringement of United States Patent No. 8,856,221)**

12. Plaintiff refers to and incorporates the allegations in Paragraphs 1 - 11, the same as if set forth herein.

13. This cause of action arises under the patent laws of the United States and, in particular under 35 U.S.C. §§ 271, *et seq.*

14. Defendant has knowledge of its infringement of the '221 Patent, at least as of the service of the present complaint.

15. The '221 Patent teaches a method and apparatus for media content storage and delivery. '221 Patent, Abstract. Among other things, the claimed system includes a server, which has a receiver in communication with a processor. *Id.* The receiver receives a request message. *Id.* The request message includes media data indicating requested media content and a consumer device identifier corresponding to a consumer device. *Id.* The processor determines whether the consumer device identifier corresponds to a registered consumer device. *Id.* If the processor determines that the consumer device identifier corresponds to the registered consumer device, then the processor determines whether the request message is one of a storage request message and a content request message. *Id.* If the request message is the storage request message, then the processor is further configured to determine whether the requested media content is available for storage. *Id.* If the request message is the content request message, then the processor initiates delivery of the requested media content to the consumer device. *Id.*

16. The present invention solves problems that existed with then-existing media delivery systems. One problem with prior delivery systems is that the customer was charged according to the expenses of the provider rather than the usage of the customer. '221 Patent, 1:31-57. Customers were not charged based on the amount of programming delivered or the amount or

duration of the customer's storage of media. *Id.* Another such problem, more generally, is that customers were not billed and services were not provided, in a way that was tailored to the customer's needs and usage. *Id.*, 2:3-13.

17. A number of aspects of the invention(s) embodied in the '221 Patent overcome the problems with the prior art. For example, the inventive system includes a processor in communication with a receiver. *Id.*, 2:23-34. The processor determines media content characteristics that correspond to the media content to be stored. *Id.* The processor determines a length of time to store the media content based on the media data and determines a cost amount based at least in part on the determined media content characteristics and length of time to store the media content. *Id.* As another example, the system makes a determination that media content is available for download. *Id.*, 2:64-3:2. A determination is made that content is not stored. Download of the media content is initiated. *Id.* The media content is received and the received media content is stored. *Id.*

18. The '221 Patent is directed to computerized technologies to provide users with tailored media delivery systems and tailored billing for such systems. Among other things, the '221 Patent claims include sending and receiving of request messages indicating requested media content and including a device identifier corresponding to a consumer device. A determination is made whether the identifier corresponds to the device. A determination is also made as to whether the request is for delivery or storage. The media data in the request includes time data that indicates a length of time for storage. A processor is configured to determine whether requested media exists and whether there are any restrictions associated with delivery or storage of the requested media.

19. The system(s) and methods of the '221 Patent include software and hardware that do not operate in a conventional manner. For example, the software is tailored to provide functionality to perform recited steps and the processor is configured (and/or programmed) to provide functionality recited throughout the claims of the '221 Patent.

20. The '221 Patent solves problems with the art that are rooted in computer technology and that are associated with electronic transmission, loading, and storage of location information, as well as automatic provisioning of route guidance. The '221 Patent claims do not merely recite the performance of some business practice known from the pre-Internet world along with the requirement to perform it on the Internet.

21. The improvements of the '221 Patent and the features recited in the claims in the '221 Patent provide improvements to conventional hardware and software systems and methods. The improvements render the claimed invention of the '221 Patent non-generic in view of conventional components.

22. The improvements of the '221 Patent and the features recitations in the claims of the '221 Patent are not those that would be well-understood, routine or conventional to one of ordinary skill in the art at the time of the invention.

23. Accordingly, Defendant has infringed, and continues to infringe, the '221 Patent in violation of 35 U.S.C. § 271. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 7, of the '221 Patent by making, using, importing, selling, and/or offering for media content storage and delivery systems and services covered by one or more claims of the '221 Patent.

24. Defendant sells, offers to sell, and/or uses media content storage and delivery systems and services, including, without limitation, the VidyoConnect video conferencing platform, any

associated hardware, software and apps, as well as any similar products (“Product”), which infringe at least Claim 7 of the ‘221 Patent.

25. The Product practices a method of storing (e.g., cloud storage) media content (e.g., conference recording) and delivering requested media content (streaming video conferencing, recorded videos, chats, texts, etc.) to a consumer device (e.g., mobile device with app or software). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

Join meetings from anywhere using your personal laptop, smartphone, or tablet

Whether you're on the road or your team is globally dispersed, stay connected and collaborate effectively through VidyoConnect's desktop or mobile application.

Source: <https://www.vidyo.com/video-conferencing-solutions/product/desktop-video-calling>

## Recording

VidyoCloud enables recording for meeting, trainings and other purposes. Cloud storage is included in the Enterprise Plan at 10GB per named user, as a shared resource. In the Team Plan, recording capability and storage can be purchased in 100GB increments as an optional add-on. Additional storage can be purchased as needed for Team and Enterprise Plans. Recording is not available in the Free Plan.

Alternatively, for the Team and Enterprise Plans, recording can be configured as a hybrid deployment (described in the following section) leveraging customer-provided servers and storage when customer needs require.

Source: <http://www.vidyo.com/wp-content/uploads/VidyoCloud/VidyoCloud-Service-Description.pdf>

**VidyoConnect™ Tools • Tips • Tricks**

## RECORD YOUR VIDEO CONFERENCE

Record and webcast any meeting you host over Vidyo technology. Recordings can be used for OnDemand viewing, large broadcasts, training and much more!

## CREATE A RECORDING OR WEBCAST

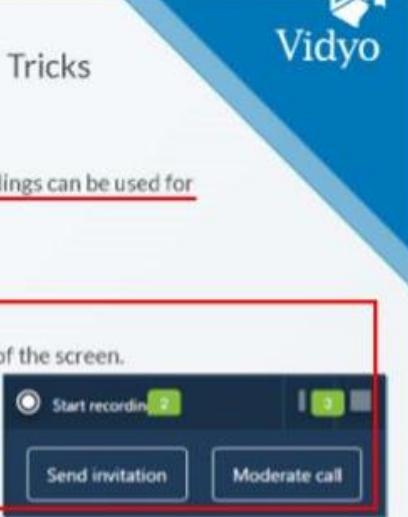
**Recording**

1. Initiate recordings from the  Participant Window in the top left of the screen.
2. Click Start recording in the bottom left of the screen.
3. When the session is complete click the stop button.
4. A link to the video will generate. Copy the link to share the video.

**Webcasting**

*Not available for all organizations. Ask your IT department about availability.*

1. Open the  Control Meeting Panel from the participant window.
2. Generate a link to the webcast by clicking the  Envelope button.
3. Click the red  Record button.
4. Select Record & Webcast. Choose your Recording Profile.
5. Hit Record. Your recording will start and you will see the Recorder join the meeting.
6. When your webcast is complete select the  Stop button from the Control Meeting Panel. The webcast session will become inactive and you can access the recording.



Source: <https://support.vidyocloud.com/hc/en-us/articles/115000620273-How-Can-I-Record-or-Webcast-My-Vidyo-Enabled-Meeting->

If you have purchased our VidyoReplay system, you can easily record your VidyoConnect conferences and then send the link of the recordings to the participants in the call as well as to others who may have missed the call. (There is no need to send a file.)

VidyoReplay enables you to record using either of these profiles: APPLICATION AND VIDEO or APPLICATION PREFERRED. This article includes the following sections which describe both of these profiles as well as how to share the links to the call recordings:

Source: <https://support.vidyocloud.com/hc/en-us/articles/229001327-Using-the-VidyoConnect-Recording-Feature-and-Setting-Recording-Profiles>

## ACCESS YOUR RECORDINGS

Once a recording is complete you can access it at any time through the VidyoReplay library.

1. Open the **Control Meeting Panel** from the participant window inside a Vidyo meeting.
2. Click  to access  the VidyoReplay library. You may have to disable **popup blockers**.
3. You will land in your organization's library. Click **My Videos** in the top right of the page.
4. **On the My Videos screen** find your videos. They display by date.
5. Choose to **Edit, Download, Lock, Email or Delete** recordings.
6. After clicking **Edit** you can adjust the **Title, Description, Tags, Thumbnails, and Privacy Settings**.
7. Access links to send/embed video.



Source: <https://support.vidyocloud.com/hc/en-us/articles/115000620273-How-Can-I-Record-or-Webcast-My-Vidyo-Enabled-Meeting->

**VidyoReplay Recorder Option**

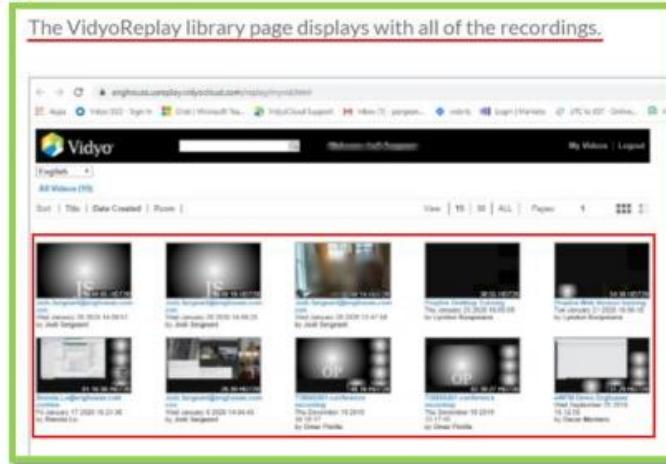
VidyoReplay is a recording solution that records audio, video, and content sharing, which is part of the Vidyo conferencing solution.

**Key VidyoReplay Recording Features**

You can perform the following tasks with VidyoReplay:

- Initiate and control the recording
- Download and edit .mp4 recordings with standard video editing tools such as Player and Library

Source: <https://support.vidyocloud.com/hc/en-us/articles/360004525054-VidyoEngage-Tenant-Admin-Recording-Configurations>



Source: <https://support.vidyocloud.com/hc/en-us/articles/229001327-Using-the-VidyoConnect-Recording-Feature-and-Setting-Recording-Profiles>

26. The Product necessarily includes a receiver configured to receive a request message including data indicating requested media content (e.g., the Product must have infrastructure to receive a request to store recorded media content or to stream recorded media content on a smartphone; additionally, the request message must contain data that identifies the content to be stored or streamed) and a consumer device identifier corresponding to a consumer device (e.g., the user credentials are used to access the contents of the Product). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

**VidyoConnect™ Tools • Tips • Tricks**

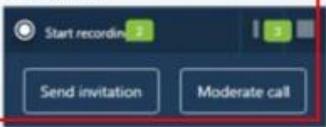
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**Recording**

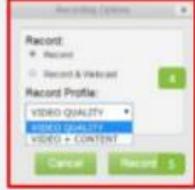
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Source: <https://support.vidyocloud.com/hc/en-us/articles/115000620273-How-Can-I-Record-or-Webcast-My-Vidyo-Enabled-Meeting->

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Alternatively, for the Team and Enterprise Plans, recording can be configured as a hybrid deployment (described in the following section) leveraging customer-provided servers and storage when customer needs require.

Source: <http://www.vidyo.com/wp-content/uploads/VidyoCloud/VidyoCloud-Service-Description.pdf>

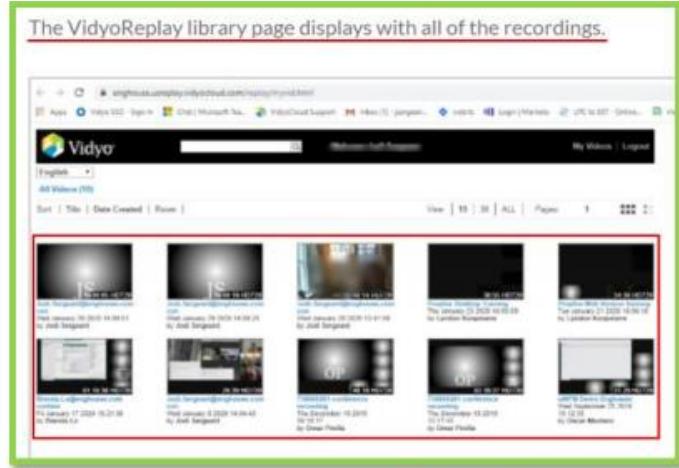
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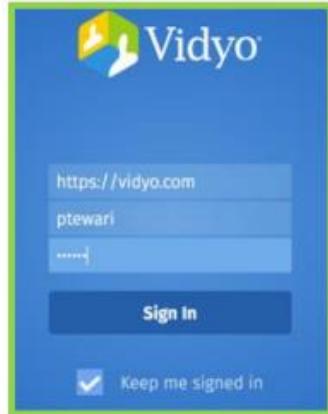
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Source: <https://support.vidyocloud.com/hc/en-us/articles/226053328-Logging-In-to-VidyoConnect>

27. The Product necessarily determines whether the consumer device identifier corresponds to the registered consumer device (e.g., a user must be a registered user to access the Product's services). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

28. The Product provides for both media downloads and/or storage, and media streaming. After a successful login, the Product necessarily determines whether the request received from a customer is a request for storage (e.g., recording or storing content) or content (e.g., streaming of media content). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.



Source: <https://support.vidyocloud.com/hc/en-us/articles/226053328-Logging-In-to-VidyoConnect>

### Recording

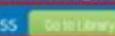
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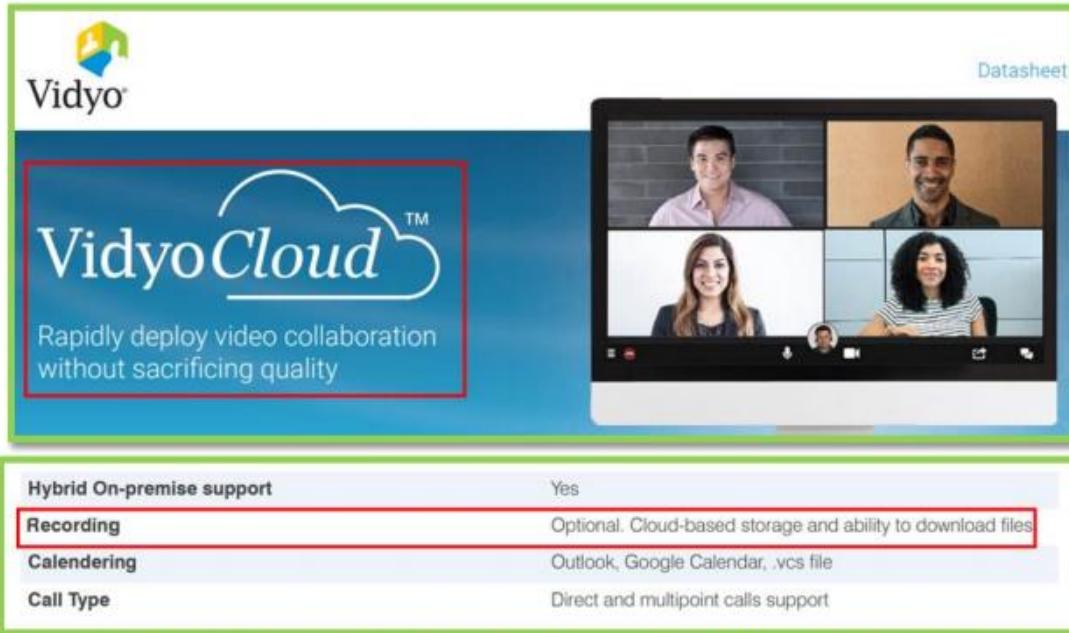
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Hybrid On-premise support	Yes
<b>Recording</b>	Optional. Cloud-based storage and ability to download files
Calendering	Outlook, Google Calendar, .vcs file
Call Type	Direct and multipoint calls support

Source: <http://www.vidyo.com/wp-content/uploads/Data-Sheets/DS-HostedVidyoConferencing.pdf>

29. The Product verifies that media content identified in the media data of the storage request message (e.g., request to record content) is available for storage in order to prevent data errors that would result from attempting to store content that is not available for storage. The Product must verify that the media content (e.g. specific recording) identified in the media data of the storage request message is available for storage in order to prevent data errors that would result from attempting to store content that is not available for storage (e.g., the product must verify a user's ability to store media content is limited to a certain amount of memory usage based upon their subscription, thus media content may not be available for storage if a user is already above their memory limit or if he hasn't subscribed to any service). Certain aspects of these elements are

illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

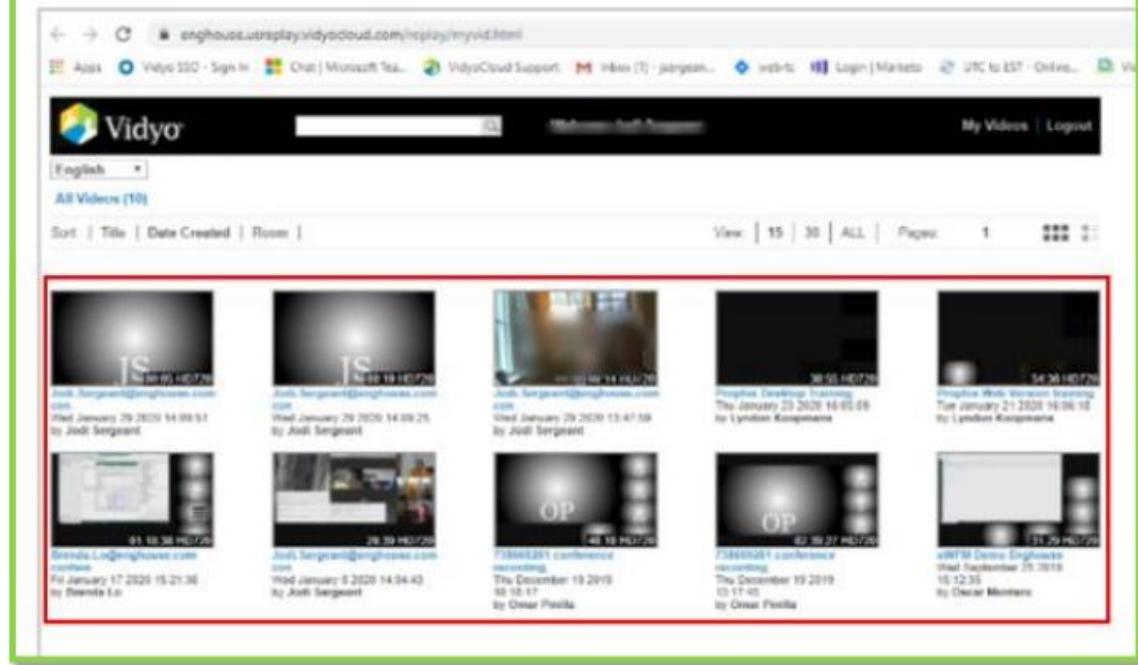


The image shows a screenshot of a Vidyo Cloud datasheet. At the top left is the Vidyo logo. To the right, the word "Datasheet" is visible. The main content area features the "Vidyo Cloud" logo with a cloud icon. Below it, the text "Rapidly deploy video collaboration without sacrificing quality" is displayed. To the right of this text is a video conference interface showing four participants in a 2x2 grid. Below the interface is a table with the following data:

Hybrid On-premise support	Yes
Recording	Optional. Cloud-based storage and ability to download files
Calendering	Outlook, Google Calendar, .vcs file
Call Type	Direct and multipoint calls support

Source: <http://www.vidyo.com/wp-content/uploads/Data-Sheets/DS-HostedVidyoConferencing.pdf>

The VidyoReplay library page displays with all of the recordings.



Source: <https://support.vidyocloud.com/hc/en-us/articles/229001327-Using-the-VidyoConnect-Recording-Feature-and-Setting-Recording-Profiles>

## Subscriptions

Vidyo offers two paid subscription plans, based on named users:

Team Plan, for 10-100 Named Users  
Enterprise Plan, for 100 – 10,000 Named Users

In addition, Vidyo currently offers a Free Plan, for individual named users only, with limited features as indicated below. The Free Plan is intended for individual use only; businesses with multiple users should subscribe to the Team Plan or Enterprise Plan.

The Team Plan and Enterprise Plan are user-based subscription plans that provide access to the VidyoCloud service for named users. Organizations can purchase multiple named user subscriptions to achieve the desired deployment size. The VidyoCloud subscription is available in one-year, two-year, or three-year terms, paid annually.

The Team Plan and Enterprise Plan are for communication by the subscribing organization's users with one another and with any other internal or external parties they choose to invite or include (which Vidyo refers to as "guests"). Subscribing to the paid VidyoCloud service includes the ability to connect with Vidyo software-based individual clients, VidyoRoom™ Systems, H.323/SIP based systems, and telephone dial in.

Source: <http://www.vidyo.com/wp-content/uploads/VidyoCloud/VidyoCloud-Service-Description.pdf>

30. If a customer requests content (e.g., live streaming of media content), then a processor within the Product necessarily initiates delivery of the content to the customer's device. The Product will initiate delivery of the requested media content to the consumer device (e.g., stream media content feed to a smartphone or tablet etc.) if the request message is a content request message (e.g., request for live streaming). Certain aspects of these elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.

Join meetings from anywhere using your personal laptop, smartphone, or tablet

Whether you're on the road or your team is globally dispersed, stay connected and collaborate effectively through VidyoConnect's desktop or mobile application.

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Alternatively, for the Team and Enterprise Plans, recording can be configured as a hybrid deployment (described in the following section) leveraging customer-provided servers and storage when customer needs require.

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The screenshot displays the VidyoConnect website with the following content:

**RECORD YOUR VIDEO CONFERENCE**

Record and webcast any meeting you host over Vidyo technology. Recordings can be used for OnDemand viewing, large broadcasts, training and much more!

**CREATE A RECORDING OR WEBCAST**

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31. The media data includes date and time information to identify conference start and stop times, as well as meeting length. Time data may also indicate a length of time to store the requested media content (e.g. a user is allowed to store media content for a retention period configured by the user per their subscription level). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

## Subscriptions

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<b>Enterprise Plan</b>	
<p><b>Everything in TEAM Plan plus:</b></p> <ul style="list-style-type: none"><li>• Host up to 200 participants/end-point connections per call</li><li>• Custom URL</li><li>• Recording functionality included. 10GB of cloud recording storage per named user (shared resource).</li></ul>	<p><b>Same as TEAM Plan plus:</b></p> <ul style="list-style-type: none"><li>• High-capacity meeting rooms of 200, 300 or 500 participants</li><li>• Recording capability and storage, purchased in 100GB</li></ul>

Source: <http://www.vidyo.com/wp-content/uploads/VidyoCloud/VidyoCloud-Service-Description.pdf>

32. The Product must first determine whether the requested media content exists prior to initiating delivery in order to prevent data errors that would result from attempting to transmit media content that does not exist (e.g., the product must verify that a particular requested data is stored in the cloud). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.



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Source: <http://www.vidyo.com/wp-content/uploads/VidyoCloud/VidyoCloud-Service-Description.pdf>

33. After the processor determines whether the requested media content is available, it determines whether there are restrictions associated with the requested media content (e.g., user access restrictions, etc.). Certain aspects of these elements are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

34. Defendant's actions complained of herein will continue unless Defendant is enjoined by this Court.

35. Defendant's actions complained of herein is causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

36. The `221 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

37. A copy of the `221 Patent, titled “System and Method for Storing Broadcast Content in a Cloud-based Computing Environment,” is attached hereto as Exhibit A.

38. By engaging in the conduct described herein, Defendant has injured Plaintiff and is liable for infringement of the `221 Patent, pursuant to 35 U.S.C. § 271.

39. Defendant has committed these acts of literal infringement, or infringement under the doctrine of equivalents of the `221 Patent, without license or authorization.

40. As a result of Defendant’s infringement of the `221 Patent, injured Plaintiff has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendant’s past infringement, together with interests and costs.

41. Plaintiff is in compliance with 35 U.S.C. § 287.

42. As such, Plaintiff is entitled to compensation for any continuing and/or future infringement of the `221 Patent up until the date that Defendant ceases its infringing activities.

**DEMAND FOR JURY TRIAL**

43. Rothschild Broadcast Distribution Systems, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff asks the Court to:

- (a) Enter judgment for Plaintiff on this Complaint on all cases of action asserted herein;
- (b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receives notice of the order from

further infringement of United States Patent No. 8,856,221 (or, in the alternative, awarding Plaintiff running royalty from the time judgment going forward);

(c) Award Plaintiff damages resulting from Defendants infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: April 21, 2021

Respectfully submitted,

/s/ Mark A. Kriegel

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**ATTORNEYS FOR PLAINTIFF**

## **EXHIBIT A**